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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,469	01/19/2006	Tobias Melz	KOLLNER-013US	9936
81372	7590	04/03/2009		
IPxLAW Group LLP 95 South Market Street Suite 570 San Jose, CA 95113				
EXAMINER				
SICONOLFI, ROBERT				
ART UNIT		PAPER NUMBER		
3657				
MAIL DATE		DELIVERY MODE		
04/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,469

Applicant(s)

MELZ ET AL.

Examiner

ROBERT A. SICONOLFI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 11, 13, 15-19 and 21-255 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 13, 15-19 and 21-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

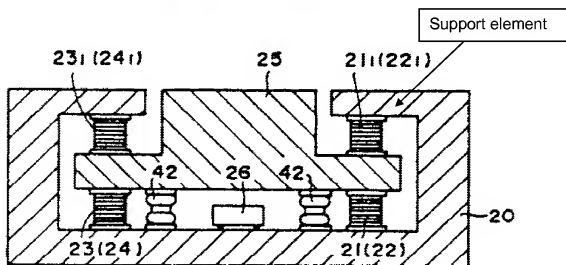
2. Claims 10, 11, 13, 15-19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumi (JP 61286634) in view of Holland et al (U. S. Patent no. 5,862,638).

Re: claim 10, Katsumi shows an interface for reducing mechanical vibrations, as in the present invention, which has a base connection element 20, a load connection element 25 and at least one support element, as marked below, a) wherein at least a first energy converter system, 21, 23 bottom, extends between at least one engagement point located on the base connection element and at least one engagement point located on the load connection element; b) wherein at least one second energy converter system, 21, 23 top, extends between at least one engagement point located on the support element and at least one engagement point located on the load connection element; and d) wherein the load connection element 25 has a part located in an intermediate space between the base connection element and the support element, and a part located outside the intermediate space between the base connection element and the support element, as shown in figure 3. Katsumi lacks the

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elastic pipe surrounding the actuators as claimed. Holland shows an tension damping device (elastic pipe 14 see column 4 lines 21-27) for a vibration damper in figure 1 in order to provide better damping performance (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Katsumi's assembly to comprise an elastic pipe as taught by Holland et al in order to provide further dampening capability to the assembly of Katsumi at the same time protecting the assembly from environmental elements.

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Re: claim 11, Katsumi shows the actuator to be piezoelectric elements in the

Abstract.

Re: claim 13, Katsumi shows vibration sensor 26.

Re: claims 15 and 16, Katsumi shows vibration sensor 26 and the circuit to detect, generate signal, to actuate and to reduce vibration in the Abstract.

Re: claim 17, Katsumi shows the multiple interfaces of the base element and the load element being connected as claimed.

Re: claims 18, 19 and 21-25, the discussion of the rejections of claims 10, 11, 13, 15, 16 and 17 above, meets all the limitations of claims 18, 19 and 21-25.

3. Applicant's arguments with respect to claims 10, 11, 13, 15-19 and 21-25 have been considered but are moot in view of the new ground(s) of rejection.
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication should be directed to ROBERT A. SICONOLFI at telephone number (571)272-7124.

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3657